

REMARKS

With respect to the Final Office Action, applicant respectfully points out that the symbol “#” refers to the paper weight per unit area, and is a term commonly used in the kraft paper art. It is a term well known by persons of ordinary skill in the art, see Declaration of Martin Fleit with Exhibits 1-5 attached hereto. It is submitted that claim 6 is definite, clear and unambiguous and complies in all respects with the Statute and Regulations regarding applicant's duty for particularly pointing out and distinctly claiming the invention. The objection under Section 112 should in good conscience be withdrawn.

The claims have been amended in an effort to bring this prosecution to a closure and to advance the application to issue. Applicant clearly understands his duty to express patentable distinctions in terms of actual structural claim limitations. To this end, it is respectfully pointed out that the main claims 1 and 6 clearly distinguish over the references cited and applied of record by, at least, the following explicit structural claim limitations of:

(1) “an inside radiant energy barrier layer composed of metallized plastic film, a first paper liner bonded to said inside radiant energy barrier layer,” claim 1.

This limitation (1) is totally absent from the art cited and applied of record.

(2) “a sandwich of a radiant energy barrier layer composed of metallized plastic film bonded between third and fourth paper liners, said flute mediums bonded, respectively, to the third and fourth paper liners.” claim 1.

This limitation (2) is totally absent from the art cited and applied of record.

(3) “two pair of fold-in abutting flaps to seal the box including an outside glue flap to allow the truest inside dimension of the interior of the box to be maintained and avoid gaps that would allow air or heat into the box.” Claim 1.

This limitation (3) is totally absent from the art cited and applied of record.

More important, claims 1 and 6, the independent claims, recite combinations that are novel, and clearly non-obvious from the prior art cited of record, none of which taken singly or in any combination, shows the unique box construction that uses three radiant energy barrier layer composed of metallized plastic film and the closure to maintain the truest interior dimensions.

Dependent claims 3 to 5 are dependent on claim 1 and include all of its structural limitations. In addition, claim 3 recites that the metallized plastic film is a polyester film. Claim 4 recites that the bonding is effected by a water resistant starch. Claim 5 recites a divider is mounted in the interior of the box dividing the interior of the box into two compartments, said divider comprising a flat member comprising a first outer radiant energy barrier layer composed of metallized plastic film, a fifth paper liner bonded to said first outer radiant energy barrier layer, a third paper flute medium bonded to the fifth paper liner, a second outer radiant energy barrier layer composed of metallized plastic film, a sixth paper liner bonded to the second radiant energy outer barrier layer, a fourth paper flute medium bonded to the sixth paper liner, and a sandwich of a radiant energy barrier layer composed of metallized plastic film bonded between seventh and eighth paper liners, said third and fourth flute mediums bonded, respectively, to the seventh and eighth paper liners, said divider having a slightly greater dimension than the interior cross section of the box so that when inserted in the box it creates a press fit with the interior walls of the box. None of the structural limitations of these dependent claims can be found or suggested by the prior art cited of record.

The principal reference relied upon, Clough USP6050412, discloses only a single outer polymer film, which is not metallized and, therefore, is not a radiant energy barrier. The secondary reference, Kupersmit USP4663207, does not disclose any radiant energy barrier layer whatsoever, and only discloses a triple reinforced wall of corrugations. Neither reference discloses the above-mentioned limitations expressed in claims 1 and 6, which are critical to the present invention. Accordingly, at least these limitations in the context of the

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of dated Aug. 6, 2006

claims 1 and 6 clearly demonstrate the novelty and unobviousness of the combinations recited by claims 1 and 6. No substantive basis can be found in either reference relied upon to suggest, even remotely, the constructions and combinations claimed in claims 1 and 6.

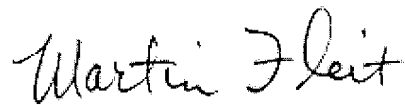
Whereas applicant has a duty to distinguish the prior art by structural limitations that are novel and unobvious, it would seem only fair that the Examiner has a correlative duty to deem the claimed invention obvious only on a clear teaching of the prior art showing all of the limitations of the general combination claimed and a clear teaching in the prior art of how substitutions can be obviously made in the overall combination to produce the inventions being claimed. In the present case, the overall claimed combinations are not shown by the art of record in any way, shape or form. Moreover, the cited prior art does not show the claimed limitations that impart novelty and unobviousness to the claims, nor does the cited prior art suggest the claimed limitations or teach them. In good conscience, the cited art does not show the overall combination in any general way. It does not seem fair to reconstruct the cited prior art disclosures, using 20-20 hindsight, to obtain the claimed combinations not contemplated or even suggested by these patentees. It is earnestly solicited that the claims as amended be reconsidered and the application advanced to Issue.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 746-A03-008)

Respectfully submitted,

A handwritten signature in black ink that reads "Martin Fleit". The signature is written in a cursive, slightly slanted style.

Martin Fleit, Reg. #16,900

Martin Fleit

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO, P.L.

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Miami, Florida 33180

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e-mail: MFleit@Focusonip.com

Filed October 2, 2003

DECLARATION OF MARTIN FLEIT, REG. #16,900

I, Martin Fleit, hereby declare that

I am familiar with the file wrapper of Serial No. 10/748,839, and with the rejections made by the Examiner in charge of the prosecution of this file regarding the objection to the use of the symbol “#” as a designation of paper weight, and the rejection of claim 6 under 35 USC sec. 112, because the terms “57# kraft liner” and “33# flute” render the claim indefinite and vague. According to the Examiner, it is unclear what the numbers refer to, i.e. a trademark or a specific composition.

In a simple search on the Internet concerning the symbol “#”, I easily found a number of advertisements offering kraft paper for sale that all used the symbol “#” as an industry standard for paper weight. The advertisements are here attached as Exhibits 1 to 5. The websites viewed include:

www.sterlingpaperconverting.com

www.cascades.com

www.fast-pack.com

www.centralpack.com

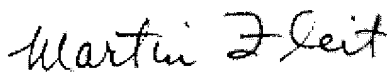
www.litinpaper.com

Based on my research on the Internet, it is abundantly clear that the attached Exhibits 1 to 5 demonstrate unequivocally that the symbol “#” is a conventional symbol used in the kraft liner art to designate paper weight, and that this fact is well known to any person of ordinary skill in the art of kraft liner paper. Based on information and belief, it is further unequivocally clear that the use of the symbol “#” in the kraft liner art is definite and

unambiguous in a patent claim, and is in conformity with statutory requirements to distinctly claim and point out that aspect of the claimed invention to which it pertains.

Further, based on my research on the Internet and my information and belief, it is abundantly clear that the symbol “#” is neither a trademark nor a specific composition to a person of ordinary skill in the kraft liner art, but merely a conventional symbol used in the kraft liner art by persons of ordinary skill in the art for designating paper weight.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



MARTIN FLEIT

date: AUGUST 6, 2006

ATTACHMENTS AS EXHIBITS

- EXHIBIT 1 From website, 1 page, Sterling Paper, kraft paper
- EXHIBIT 2 From website, 1 page, Cascades, kraft paper
- EXHIBIT 3 From website, 2 pages, Fast-Pack, wholesale kraft paper
- EXHIBIT 4 From website, 2 pages, P & M Consolidator, Centralpack.com, kraft paper
- EXHIBIT 5 From website, 4 pages, Litin Paper Company, kraft paper

EXHIBIT 1**PRODUCTS**

Builders Floor
Cover

Butcher Wrap

Chipboard

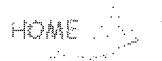
Indented
(Embossed) Paper

Kraft Paper

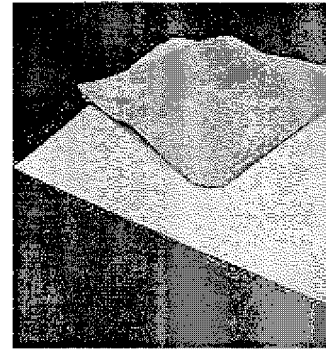
Masking Paper

Newsprint

Single Faced
Corrugated

**Kraft Paper**

- **Product Description:**
Natural Kraft Paper comes in both Virgin and Recycled.
- **Sizes available:** Roll width - 2"- 60", Basis Weight: 25# - 100#
- **Potential applications**
 - Void Fill
 - Box Wrap
 - Interleaving
 - Picture Frame Backing
 - Table Cover
 - Masking
 - Floor Protection
 - Plant and Floral Wrap Wrapping
 - Neutral PH - For Glass & Aluminum
 - Flame Retardant - Temporary Welding Shield & Paint Booths



Kraft Paper Sheet



Kraft Paper Roll

[Products](#) • [Services](#) • [Company Info](#) • [Contact Us](#) • [Site Map](#)

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Material Copyright © 2005 Sterling Paper

EXHIBIT 2

Specialty Paper and Paperboard

Kraft Paper

Kraft paper is manufactured at the Cascades East Angus mill. Both paper machines, one with 150 inches trim and the other with 120 inches, produce a wide variety of kraft paper products, from virgin and recycled fibres. The majority of our products are available in several basis weights from 23# to 70#.

The focus of Cascades East Angus is on specialty products such as the following kraft papers:

- extensible paper used as a base for fibreglass insulation
- paper with low porosity used for foil lamination
- butcher paper (red, peach or natural) used to wrap meat
- grease resistant paper used for food contact bags
- fire resistant paper used for electric cable insulation and filtration media
- interleaving paper used in the stainless steel and glass industries
- smooth finish paper used for coating, polycoating, lamination, waxing and gumming
- green paper used for paint masking
- fine recycled paper used for envelopes
- extensible waxed paper used for twine
- controlled sizing paper used for the impregnation of chemical products
- wet strength paper used for potato bags

Cascades East Angus also produces commodity products usually used for grocery bags, shopping bags, take-out food bags, multi-wall bags, counter rolls and other wrapping products.

EXHIBIT 3




Home
All Products

Newsletter
Contact Us

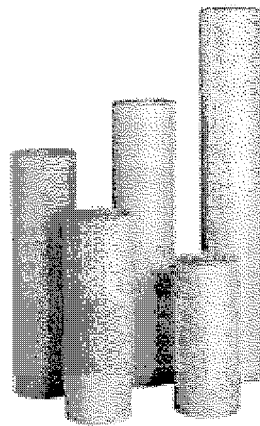
Testimonials

Tell a Friend

Bubble Envelopes
Colored Bubble Env.
White Vinyl Bubble Env.
Bubble Wrap®
Colored Bubble Wrap®
Anti-Static Bubble
B Flute Corrugated Rolls
Boxes
Box Spray Paint
Packing Peanuts
Carton Sealing Tape
Colored Packing Tape
Assorted Labels
Kraft Paper
Mailing Tubes
Batteries
Packing List Envelopes
Tissue Paper
Foam Rolls
Bubble Bags
Printer Ink Cartridges
More Products
Print Order Form

Order Toll Free 1-866-971-7201

Kraft Paper



Kraft paper is used to wrap glass products, and a variety of other products. It offers very good protection and cushioning during shipping. Kraft paper is also an excellent void filler.

Size	Price Per Roll	Shipping / Handling Ships via UPS <small>HI & AK Email for Quote</small>	Make Visa, Master Card or PayPal Payment Need Help?
765'x12" 40# Kraft Paper Roll	\$19.60	\$8.05	ADD TO CART
765'x24" 40# Kraft Paper Roll	\$29.61	\$14.01	ADD TO CART
765'x36" 40# Kraft Paper Roll	\$39.40	\$15.82	ADD TO CART
765'x48" 40#		Weights 50	E-mail for Shipping Quote -

Kraft Paper Roll	\$51.88	Lbs	Please include Zip Code shipping to.
765'x60" 40# Kraft Paper Roll	\$61.69	Weighs 63 Lbs	E-mail for Shipping Quote - Please include Zip Code shipping to.

This product ships via UPS ONLY. AK & HI must email us for a quote on shipping.
No international shipping at the current time

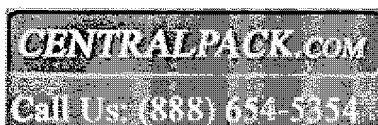
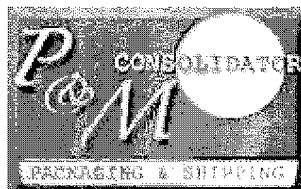
Contact us if you should have any questions! Fast@Fast-Pack.com

Hold Ctrl & D To Bookmark this page!

Don't see what you need? Contact us!

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EXHIBIT 4

Sign In

Your Basket

Empty



Bogus Kraft Paper
Butcher Paper
Cutters
Freezer Paper
Geami Paper
Indented Kraft
Kim Pak Wadding
Kraft Paper
Newsprint
Poly Coated Kraft
Singleface Corrugated
Tissue Papers
VCI Paper
Waxed Paper
Shred

PRINTING DEPT**SUPPLIES****STRETCH FILM****SHRINK FILM****TAPES**

- Volume Quotes
- Freight Information
- Quick Order Form
- *Best Way Freight

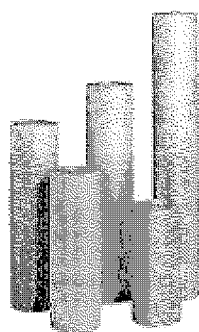


Custom Boxes

Stock Boxes

Colored Box

In addition to our 10,000 in-stock items, we are a leader in custom packaging.

**CentralPack's Kraft Paper Rolls & Sheets**

- Excellent for wrapping, layering and a natural void fill.
- Bio-degradable and easily recyclable.
- Made From 100% Recycled Fibers.
- Available in sheets and rolls.
- Rolls fit CentralPack paper cutters.
- Available in 30#, 40#, 50#, 60#, and 75# paper basis weights

Kraft paper sheets are listed on the bottom of this page.

For skid quantity pricing please call (888) 654-5354.

Kraft Paper**Code Name**

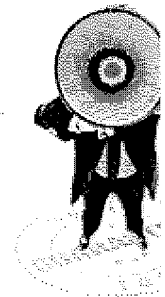
35946	12" x 1320' / 30# Kraft Paper Roll / \$11.25 per roll
35951	18" x 1320' / 30# Kraft Paper Roll / \$16.90 per roll
35956	24" x 1320' / 30# Kraft Paper Roll / \$19.18 per roll
35961	30" x 1320' / 30# Kraft Paper Roll / \$26.50 per roll
35966	36" x 1320' / 30# Kraft Paper Roll / \$27.95 per roll
35971	40" x 1320' / 30# Kraft Paper Roll / \$38.95 per roll
35976	48" x 1320' / 30# Kraft Paper Roll / \$43.20 per roll
35981	12" x 1000' / 40# Kraft Paper Roll / \$8.70 per roll
35986	15" x 1000' / 40# Kraft Paper Roll / \$12.90 per roll
35991	18" x 1000' / 40# Kraft Paper Roll / \$12.90 per roll
35996	20" x 1000' / 40# Kraft Paper Roll / \$14.95 per roll
36001	24" x 1000' / 40# Kraft Paper Roll / \$16.95 per roll
36006	30" x 1000' / 40# Kraft Paper Roll / \$21.80 per roll
36011	36" x 1000' / 40# Kraft Paper Roll / \$25.95 per roll
36016	40" x 1000' / 40# Kraft Paper Roll / \$33.90 per roll
36021	48" x 1000' / 40# Kraft Paper Roll / \$32.45 per roll

- * [Check Order Status](#)
- * [View Past Orders](#)

[36026](#) 12" x 800' / 50# Kraft Paper Roll / \$9.90per roll
[36031](#) 15" x 800' / 50# Kraft Paper Roll / \$12.30 per roll
[36036](#) 18" x 800' / 50# Kraft Paper Roll / \$12.95 per roll
[36041](#) 20" x 800' / 50# Kraft Paper Roll / \$15.60 per roll
[36046](#) 24" x 800' / 50# Kraft Paper Roll / \$17.95 per roll
[36051](#) 30" x 800' / 50# Kraft Paper Roll / \$21.85 per roll
[36056](#) 36" x 800' / 50# Kraft Paper Roll / \$26.95 per roll
[36061](#) 40" x 800' / 50# Kraft Paper Roll / \$30.20 per roll
[36066](#) 48" x 800' / 50# Kraft Paper Roll / \$29.95 per roll
[36071](#) 60" x 800' / 50# Kraft Paper Roll / \$48.20 per roll
[36076](#) 12" x 675' / 60# Kraft Paper Roll / \$8.95 per roll
[36081](#) 18" x 675' / 60# Kraft Paper Roll / \$13.40 per roll
[36086](#) 24" x 675' / 60# Kraft Paper Roll / \$13.90 per roll
[36091](#) 30" x 675' / 60# Kraft Paper Roll / \$20.95 per roll
[36096](#) 36" x 675' / 60# Kraft Paper Roll / \$25.90 per roll
[36101](#) 40" x 675' / 60# Kraft Paper Roll / \$28.60 per roll
[36106](#) 48" x 675' / 60# Kraft Paper Roll / \$33.20 per roll
[36161](#) 24 x 36" / 30# Kraft Paper Sheets / 850 Sheets / \$37.99 per pack
[36166](#) 24 x 36" / 40# Kraft Paper Sheets / 650 Sheets / \$31.99 per pack
[36171](#) 24 x 36" / 50# Kraft Paper Sheets / 500 Sheets / \$30.90 per pack
[36176](#) 30 x 40" / 40# Kraft Paper Sheets / 450 Sheets / \$30.95 per pack
[36181](#) 30 x 40" / 50# Kraft Paper Sheets / 365 Sheets / \$29.95 per pack

THE CENTRALPACK.COM ANSWER:

- ✓ I PRICE PROGRAM, NO ARTIFICIAL PRICE TIERS
- ✓ FAST, FRIENDLY, KNOWLEDGABLE CUSTOMER SERVICE
- ✓ LOWEST PRICES WITH NO MINIMUMS. EVERYDAY



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Customer Service Line (888) 654-5354 or at customerservice@centralpack.com

EXHIBIT 5

Litin Paper Company

Full Catalog

Wrapping Paper- Bleached, Natural, Recycled



Items 1 to 50 (of 147)

Search

Advanced Search

Home

Quote Request

Cushioning & Protective Packaging - Wrapping Paper- Bleached, Natural, Recycled

ITEM NUMBER ▲	DESCRIPTION	COLOR PACK	UOM	
IBW144018	Bottom Wrap, 14", 40#, 18" Diameter, 3" Core	Kraft 1 Plt	LB	Add
IKS301224	Kraft Sheet, 12x24, 30#, Recycled	Natural 25 LB/BD	BDL	Add
IKS301230	Kraft Sheet, 12x30, 30#	Natural 1 BD	BDL	Add
IKS401212	Kraft Sheet, 12x12, 40#, Recycled	Natural 1000 EA/CS	M	Add
IKS401214	Kraft Sheet, 12x14, 40#, Recycled, 500/Bdl	Natural 500 EA/BD	M	Add
IKS401518	Kraft Sheet, 15x18, 40#, Recycled	Natural 500 EA/BD	M	Add
IKS402436	Kraft Sheet, 24x36, 40#, Recycled	Natural 500 EA/BD	BDL	Add
IKS501111	Kraft Sheet, 11x11, 50#, Recycled	Natural 500 EA/BD	M	Add
IKS501419	Kraft Sheet, 14x19, 50#, Recycled	Natural 1000 EA/CS	M	Add
IKS501824	Kraft Sheet, 18x24, 50#, Virgin	Natural 1 CS	M	Add

IKS502436	Kraft Sheet, 24x36, 50#, Recycled	Natural 50 LB/BD	BDL	Add
IKS601212LB	Kraft Sheet, 12x12, 60#, Recycled	Natural 1 LB	LB	Add
IKS602424L	Kraft Sheet, 24x24, 60#, Recycled	Natural 1 LB	LB	Add
INK02509	Kraft Paper, 2", 50#, Virgin	Natural 1 RL	RL	Add
INK025509	Kraft Paper, 2-1/2", 50#, Virgin	Natural 1 RL	RL	Add
INK03509	Kraft Paper, 3", 50#, Virgin	Natural 1 RL	RL	Add
INK04509	Kraft Paper, 4", 50#, Virgin	Natural 1 RL	RL	Add
INK05509	Kraft Paper, 5", 50#, Virgin	Natural 1 RL	RL	Add
INK06309	Kraft Paper, 6", 30#, Virgin	Natural 1 RL	RL	Add
INK06509	Kraft Paper, 6", 50#, Virgin	Natural 1 RL	RL	Add
INK08509	Kraft Paper, 8", 50#, Virgin	Natural 1 RL	RL	Add
INK09309	Kraft Paper, 9", 30#, Virgin	Natural 1 RL	RL	Add
INK10309	Kraft Paper, 10", 30#, Virgin	Natural 1 RL	RL	Add
INK10509	Kraft Paper, 10", 50#, Virgin	Natural 1 RL	RL	Add
INK12309	Kraft Paper, 12", 30#, Virgin	Natural 1 RL	RL	Add
INK12409	Kraft Paper, 12", 40#, Virgin	Natural 1 RL	RL	Add
INK12509	Kraft Paper, 12", 50#, Virgin	Natural 1 RL	RL	Add
INK12609	Kraft Paper, 12", 60#, Virgin	Natural 1 RL	RL	Add
INK15409	Kraft Paper, 15", 40#, Virgin	Natural 1 RL	RL	Add

INK16509	Kraft Paper, 16", 50#, Virgin	Natural 1 RL	RL	Add
INK16915	Kraft Paper, 16", 90#, Virgin, 15" OD	Natural 1 LB	LB	Add
INK18309	Kraft Paper, 18", 30#, Virgin	Natural 1 RL	RL	Add
INK18409	Kraft Paper, 18", 40#, Virgin	Natural 1 RL	RL	Add
INK18509	Kraft Paper, 18", 50#, Virgin	Natural 1 RL	RL	Add
INK18609	Kraft Paper, 18", 60#, Virgin	Natural 1 RL	RL	Add
INK20409	Kraft Paper, 20", 40#, Virgin	Natural 1 RL	RL	Add
INK24309	Kraft Paper, 24", 30#, Virgin	Natural 1 RL	RL	Add
INK24409	Kraft Paper, 24", 40#, Virgin	Natural 1 RL	RL	Add
INK24509	Kraft Paper, 24", 50#, Virgin	Natural 1 RL	RL	Add
INK24609	Kraft Paper, 24", 60#, Virgin	Natural 1 RL	RL	Add
INK24709	Kraft Paper, 24", 70#, Virgin	Natural 1 RL	RL	Add
INK30309	Kraft Paper, 30", 30#, Virgin	Natural 1 RL	RL	Add
INK30409	Kraft Paper, 30", 40#, Virgin	Natural 1 RL	RL	Add
INK30509	Kraft Paper, 30", 50#, Virgin	Natural 1 RL	RL	Add
INK30609	Kraft Paper, 30", 60#, Virgin	Natural 1 RL	RL	Add
INK36309	Kraft Paper, 36", 30#, Virgin	Natural 1 RL	RL	Add
INK36409	Kraft Paper, 36", 40#, Virgin	Natural 1 RL	RL	Add
INK36509	Kraft Paper, 36", 50#, Virgin	Natural 1 RL	RL	Add

	INK36609	Kraft Paper, 36", 60#, Virgin	Natural 1 RL	RL	Add
	INK36709	Kraft Paper, 36", 70#, Virgin	Natural 1 RL	RL	Add
1-2-3-Next					